IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13814 of 2007

Between:
M/s.Kedia Overseas Limited,
Located at Plot No.48, Sri Krupa Market,
Mahaboob Mansion, Malakpet,
Hyderabad, rep. By its Chief Executive Officer
Mr.Lakshminarayan Goel

..... PETITIONER

AND
Assistant Commissioner of Customs
Kakinada (Custom)-I Division,
Port Area, Kakinada

.....RESPONDENT

THE HON'BLE SRI JUSTICE BILAL NAZKI
&
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.13814 of 2007

ORDER: (per Hon'ble Sri Justice Bilal Nazki)

Heard the learned counsel for the parties.

Counter has also been filed. With the consent of the parties, the writ petition is being disposed of, at this stage.

The petitioner is aggrieved of an order passed by the Assistant Commissioner of Customs, Kakinada, (Custom)-I Division of Kakinada, dated 31.05.2007. His grievance is that the matter was fixed for personal hearing before the authorities concerned tentatively on 09.03.2007. But the petitioner did not appear on that day and sought further time and the case was postponed till 19.03.2007. But, when he approached the authorities concerned on 19.03.2007 he was not heard and he was told that the case has been concluded on 09.03.2007 itself. He submits that his contentions are also reflected in the order impugned passed by the authority concerned.

In *para-8* of the impugned order the authority had stated "*the importers have not attended the personal hearing on 09.03.2007. Since the importers failed to attend the personal hearing on 09.03.2007 also I proceed to decide the case basing on the merits.*"

In the counter affidavit, it has been explained that mentioning of

09.03.2007 in the order is a mistake, in fact, the date of personal hearing given by the Assistant Commissioner was 19.03.2007. During the pendency of the proceedings he has also issued corrigendum, making some corrections in *para-8* of the order. Therefore, there is lot of confusion whether the matter was fixed for personal hearing on 09.03.2007 or 19.03.2007, and whether at any stage a chance of personal hearing has been afforded to the petitioner, which he did not avail.

In this view of the matter, We feel that there appears to be a violation of Rules of Natural Justice, and on this ground alone, We set aside the order impugned. However, in the facts and circumstances of the case, We direct that the impugned order should be treated as a show cause notice and the petitioner may file his reply, within a period of 10 (ten) days, and thereafter the respondents shall hear them and pass appropriate orders, in accordance with law.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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BILAL NAZKI,J

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S.ANANDA REDDY.J

Dated: 23.07.2007
Dsr